

~~1908~~

B I L L  
No. 3187/1908.

An Act to Amend the Coal Mines Act for the Purpose  
of Limiting Hours of Work Below Ground.

(Assented to )

HIS MAJESTY, by and with the advice and consent  
of the Legislative Assembly of Alberta, enacts as  
follows:

Limit of hours  
of work be-  
low ground  
in coal  
mines

1. ~~(1)~~ Subject to the provisions of this Act  
a workman shall not be below ground in a mine for  
the purpose of his work and of going to and from  
his work, or be allowed to be below ground for that  
purpose, for more than eight hours during any con-  
secutive twenty-four hours.

(2) No contravention of the foregoing provisions  
shall be deemed to take place -

(a) In the case of a workman working in a shift,  
if the period between the times at which the first  
workman in the shift leaves the surface and the first  
workman in the shift returns to the surface, and the  
period between the times at which the last workman  
in the shift leaves the surface and the last workman  
in the shift returns to the surface, do not exceed  
the time fixed by this section; or

(b) In the case of any workman who is below  
ground for the purpose of rendering assistance in the  
event of accident, or for meeting any danger, or for  
dealing with any emergency or exceptional work which  
requires to be dealt with without interruption in  
order to avoid serious interference with ordinary work  
in the mine.

(3) The owner, agent or manager of every mine shall fix for each shift of workmen in the mine the time at which the lowering of the men to the mine is to commence and to be completed, and the time at which the raising of the men from the mine is to commence and to be completed, in such a manner that every workman shall have the opportunity of returning to the surface without contravention of the foregoing provisions of this section, and shall post at the pit head a conspicuous notice of the times so fixed, and shall make all arrangements necessary for the observance of those times in lowering and raising the men.

(4) The interval between the times fixed for the commencement and for the completion of the lowering and raising of each shift of workmen to and from the mine shall be such time not exceeding the time reasonably required for the purpose, as may be approved by the Provincial Inspector of Mines.

(5) A repairing shift of workmen may, notwithstanding the provisions of this section, for the purpose of avoiding work on Sunday, commence their period of work on Saturday before twenty-four hours have elapsed since the commencement of their last period, of work so long as at least eight hours have elapsed since the termination thereof.

(6) For the purposes of this Act, the expression "workman" means any person employed in a mine below ground, who is not an official of the mine or a furnace man, cager or onsetter, horse-keeper or pumpman; and any body of workmen whose hours for beginning and terminating work in the mine are approximately the same shall be deemed to be a shift of workmen.

Register of  
times of  
descent and  
ascent.

2. ~~(1)~~ The owner, agent or manager of every mine shall appoint persons to direct at the pit head the lowering and raising of men to and from the mine, and shall cause a register to be kept in the form prescribed by the Minister of Public Works, and containing the particulars prescribed by him with respect to the times at which men are lowered into and raised from the mine, and the cases in which any man is below ground for more than the time fixed by this Act, and the cause thereof.

(2) The workmen in a mine may, at their own cost, appoint and station one or more persons, whether holding the office of checkweigher or not, to be at the pit head at all times when workmen are to be lowered or raised, for the purpose of observing the times of lowering and raising, and the provisions of the Coal Mines Act relating to the checkweigher, and to the relations of the owner, agent or manager of the mine to the checkweigher, shall, so far as applicable, apply to any person so appointed as they apply to the checkweigher with the substitution, as respects appointment, of the workmen in the mine for the persons who under the said Act are entitled to appoint a checkweigher.

(3) If any person makes a false entry in the register which is to be kept under this section, or causes or permits any such false entry to be made, he shall be liable on summary conviction in respect of each offence to a fine not exceeding fifty dollars.

~~Power to extend hours of work on a limited number of days in a year.~~

~~3. (1) The time fixed by this Act as the time during which the workmen in a mine may be below ground for the purpose of their work and of going to and from their work may be extended as respects any mine by the owner, agent or manager of the mine, on not more than sixty days~~

~~in any calendar year by not more than one hour a day, and on any day on which an extension of time is made in accordance with this section as respects any mine the time as so extended shall be substituted for the purposes of this Act as respects that mine for the time as fixed by this Act.~~

~~(2) The owner, agent or manager of every mine shall cause a register to be kept in such manner as the Minister of Public Works may direct of the cases in which any extension of time has been given under this section, and the register shall be open to inspection by the Provincial or District Inspector of Mines.~~

Power to suspend Act by Order in Council in event of emergency.

3. A. The Lieutenant Governor in Council may, in the event of great emergency, or of any grave economic disturbance due to the demand for coal exceeding the supply available at the time, by Order in Council suspend the operation of this Act to such extent and for such period as may be named in the Order, either as respects all coal mines or any class of coal mines.

Application to mines not entered by a shaft, &c.

4. B. In the application of this Act to mines which are entered otherwise than by a shaft, and to workmen who are not lowered to or raised from the mine by means of machinery, the admission of men to the mine shall be substituted for the lowering of men to the mine, and the return of men from the mine shall be substituted for the raising of men from the mine, and such times as may be determined by the owner, agent or manager of the mine, with the approval of the Provincial Inspector of Mines as the times properly corresponding to the times fixed for the commencement and completion of the lowering and raising of workmen to and from the mine, shall be substituted for the times so fixed.

Penalties.

§. (12) If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with any provision of this Act for which a special penalty is not provided, he shall be guilty of an offence against this Act, and in the event of such contravention or non-compliance by any person whomsoever, the owner, agent, and manager of the mine shall each be guilty of an offence under this Act: Provided that —

(a) In the event of any such contravention of, or non-compliance on the part of a workman, the owner, agent or manager of the mine shall not be guilty of an offence if he proves that he has taken all reasonable means to prevent the contravention or non-compliance; and

(b) A workman shall not be guilty of an offence under this Act in the case of any failure to return to the surface within the time limited by this Act if he proves that without default on his part he was prevented from returning to the surface owing to means not being available for the purpose.

(2) A person guilty of an offence under this Act shall in respect of each offence be liable, on summary conviction, if he is the owner, agent or manager of the mine, to a fine not exceeding fifty dollars, and in any other case to a fine not exceeding five dollars.

(3) If a workman is below ground for a longer period during any consecutive twenty-four hours than the time fixed by this Act he shall be deemed to have been below ground in contravention of this Act unless the contrary is proved.

Application,  
commencement  
and short  
title.

This Act shall, except where the contrary intention appears, apply to all mines to which the Coal Mines Act applies.

(2) This Act shall come into operation on the thirty-first day of March, nineteen hundred and nine.

(3) This Act may be cited as "The Coal Mines Act, 1908." and shall be construed as one with the Coal Mines Act, and this Act and the said Act may be cited together as the Coal Mines Acts, 1906 and 1908.

No ...

THIRD SESSION

FIRST LEGISLATURE

8 EDWARD VII

1908

B I L L

An Act to amend the Coal Mines Act for the Purpose of Limiting Hours of Work below Ground.

Received and read the

First time .....

Second time .....

Third time .....

Mr. *Crosby*

EDMONTON

Jas. E. Richards, Government Printer

A.D. 1908.